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DE RUEHDBU #0903/01 1380327
ZNY CCCCC ZZH
P R 180327Z MAY 06
FM AMEMBASSY DUSHANBE
TO RUEHC/SECSTATE WASHDC PRIORITY 7518
INFO RHEFDIA/DIA WASHINGTON DC
RUEAIIA/CIA WASHDC
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL
RUEKJCS/JOINT STAFF WASHDC
RUEHDBU/AMEMBASSY DUSHANBE 8771

C O N F I D E N T I A L SECTION 01 OF 02 DUSHANBE 000903

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E.O. 12958: DECL: 5/18/2016
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SUBJECT: TAJIKISTAN: MFA SUBMITS GUANTANAMO DIP NOTE

REF: DUSHANBE 833

CLASSIFIED BY: HOAGLAND, AMBASSADOR, EMBASSY DUSHANBE,
DEPARTMENT OF STATE.
REASON: 1.4 (b), (d)

¶1. (U) This is an action request. Please see paragraph 2.

¶2. (C) Post received a diplomatic note from Tajikistan's Ministry of Foreign Affairs agreeing to accept four Tajik Guantanamo detainees. The dip note is likely the result of the meeting of LTC Ron Miller, Military Advisor to the Ambassador at Large for War Crimes Issues with the Head of the Ministry of Security's Department of International Relations, M.S. Shafoatov (reftel). The diplomatic note requests the Embassy send a response agreeing to its terms. Post requests Washington review the diplomatic note's text to determine if it meets all legal requirements to transfer detainees to Tajikistan.

¶3. (C) The following is the diplomatic note's text:

The Ministry of Foreign Affairs of the Republic of Tajikistan presents its compliments to the Embassy of the United States of America and referring to the agreement reached between the representatives of the Republic of Tajikistan and the United States of America regarding the transfer of citizens of the Republic of Tajikistan, has the honor to inform the following:

The Government of the Republic of Tajikistan is ready to accept the following citizens of the Republic of Tajikistan currently in detention in Guantanamo, Cuba:

- ¶1. Abdulloev Umar Khamzaevich;
- ¶2. Vohidov Sobit Valikhonovich;
- ¶3. Sharipov Rukniddin Faiziddinovich;
- ¶4. Faizulloi Mehrubon.

The Ministry informs the Embassy the position of the Republic of Tajikistan in regard to this issue is as follows:

- ¶1. The aforementioned people will be transferred to the Republic of Tajikistan only after they are identified as citizens and they belong in the Republic of Tajikistan;
- ¶2. The parties will inform each other on their readiness to accept the aforementioned people and set up their transfer via diplomatic channels;
- ¶3. The Government of the United States of America will fully bear all expenses regarding the transfer of the citizens of the Republic of Tajikistan to the Republic of Tajikistan;
- ¶4. The transferred citizens of the Republic of Tajikistan must have corresponding documents on the condition of their health that are certified by the International Red Cross Committee;
- ¶5. The Republic of Tajikistan and the United States of America, if evidence arises, will inform each other via Foreign Offices about the threats to the Republic of Tajikistan and the United States of America from the transferred people;
- ¶6. Access to these people by representatives of the United States of America or any third party including the International Red Cross will be provided if these people in the future will choose to live in the territory of the Republic of Tajikistan. The United States of America will not hold the Republic of Tajikistan accountable if these

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- residents
leave the Republic of Tajikistan;
- ¶7. The United States of America will provide any materials (documents) certifying involvement of these transferred people to terrorist organizations or other criminal activity if such information will be revealed after their return to their Homeland;
 - ¶8. The United States of America will not hold the Republic of Tajikistan accountable for not instituting criminal proceedings against the returnees because of lack of evidence and grounds for, including the crimes conducted earlier;
 - ¶9. Monitoring activity of the aforementioned people can be conducted only if they are staying within the territory of the Republic of Tajikistan. The United States of America can not claim the Republic of Tajikistan if these returnees conduct their criminal activity in the territory of the other states;
 - ¶10. In all cases while implementing the obligations stated above, the norms of the legislation of the Republic of Tajikistan and international legal acts to which it is a signatory will prevail.

The Ministry proposes the Embassy, if agreed, consider this note from the Ministry of Foreign Affairs of the Republic of Tajikistan and a reply note of the Embassy of the United States of America informing their readiness to accept the aforementioned conditions to serve as an agreement between the Republic of Tajikistan and the United States of

America, which is not an international agreement and does not impose international legal obligations for the Republic of Tajikistan and the United States of America.

The Ministry avails of this opportunity to renew to the Embassy the assurances of its highest consideration.

End text.
HOAGLAND